

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHAWN GOODE,

Petitioner

v.

RUSSELL PERRY, et al.,

Respondents

Case No.: 3:18-cv-00362-RCJ-WGC

ORDER

Shawn Goode's pro se 28 U.S.C. § 2254 habeas corpus matter is before the court on motions by both parties.

Goode has filed a second motion for appointment of counsel (ECF No. 32). As he acknowledges, there is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of

1 fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v.*
2 *Bennett*, 423 F.2d 948 (8th Cir.1970).

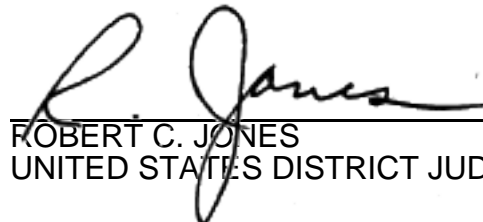
3 Goode now argues that he needs appointed counsel because he lacks law library
4 access, due in particular to the NDOC's COVID-19 safety protocols. However, the new
5 restrictions do not change the fact that his petition sets forth his claims reasonably
6 clearly, and the legal issues are not particularly complex. Respondents have now
7 answered the remaining claims. Goode has not presented the court with a basis for
8 appointing counsel, especially at this late stage in his proceedings. Accordingly,
9 Goode's motion is denied.

10 **IT IS THEREFORE ORDERED** that petitioner's second motion for appointment
11 of counsel is (ECF No. 32) is **DENIED** as set forth in this order.

12 **IT IS FURTHER ORDERED** that petitioner's motion for a copy of the docket
13 sheet (ECF No. 28) is **GRANTED**. The Clerk will send petitioner one copy of the docket
14 sheet.

15 **IT IS FURTHER ORDERED** that respondents' first and second motions for
16 extension of time to file an answer to the petition (ECF Nos. 31, 33) are both **GRANTED**
17 *nunc pro tunc*.

18 DATED: 8th day of January, 2021.

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21 ROBERT C. JONES
22 UNITED STATES DISTRICT JUDGE
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